

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Cause No: 05 – 10125 WGY 3-4-05 2:27

<p>Margaret Cimini,</p> <p style="text-align: center;">Plaintiff (Respondent below)</p> <p>v.</p> <p>Mark Cimini</p> <p style="text-align: center;">Defendant (Petitioner below),</p> <p>and, in re: the support and welfare of Jonathan Cimini.</p>	<p>Motion to Retract Notice of Appeal and Points of Law</p> <p>State court cause no.: 97D-4115-DV1</p> <p>Honorable Judge</p>
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Motion to Retract

On July 18, 2005 Defendant filed a Notice of Appeal. The Defendant now wishes to retract that notice and incorporate the Motion for Reconsideration and the issues below as a point of law

1. Children are a right of property with the sole exception that a 'positive disqualifying event' can render that right void. This unalienable right of property existed at the signing of the Constitution and for many decades afterwards; therefore it exists for as long as the Constitution is valid. No state can deprive a citizen of this right.
2. No such disqualification event has ever occurred with respect to the Defendant but has with respect to the Plaintiff. The Plaintiff is protected from these charges due to the Federal monies the state receives.
3. This court does have jurisdiction on the unlawful taking of property. However I will not appeal the Remand back to state court in order to give the state the opportunity to adjudicate the state and Federal Constitutional issues but fully expect the state to ignore the Constitutional issues in favor of their Bolshevik ideology which generates a revenue

stream for the judiciary thereby requiring additional filings in Federal court, this time solely as a Civil Rights action devoid of any custody issues.

4. Although the preamble of the state constitution calls for the body politic to protect the natural rights of the citizens, the state clearly disregards the natural rights of parents in order to implement a Bolshevik religion/ideology that is without foundation in Natural Law or Common Law, the judiciary derives an independent revenue stream, without state legislative oversight, against the principles of a Republic, converts at law action to equity to avoid jury trials and the introduction of public opinion, and unlawfully takes property.


Respectfully submitted,


Mark Cimini

VERIFICATION

I hereby declare, verify, certify and state, pursuant to the penalties of perjury under the laws of the United States, and by the provisions of 28 USC § 1746, that all of the above and foregoing representations are true and correct to the best of my knowledge, information, and belief.

Executed at Westford, MA, this 2nd day of August 2, 2005.



Mark Cimini

CERTIFICATE OF SERVICE

I hereby certify that, on this 2nd day of August, 2005, a true and complete copy of the foregoing petition for removal, by depositing the same in the United States mail, postage prepaid, has been duly served upon all parties of record in the lower state proceedings, to-wit:

Margaret Cimini
5 Sand Beach Road
Westford, MA 01886

and, that the same is being also filed this same date within the lower state trial court proceedings.


Mark Cimini

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